

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James Coppers McKee,)	C/A No.: 1:22-2594-SAL-SVH
)	
Petitioner,)	
)	
vs.)	
)	ORDER
Warden of FCI Edgefield Satellite)	
Prison Road,)	
)	
Respondent.)	
)	


Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Respondent filed a motion to dismiss, or in the alternative, for summary judgment on October 3, 2022. [ECF No. 8]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion and of the need for him to file an adequate response by November 4, 2022. [ECF No. 9]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. *Id.* Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner failed to respond to the motion. The undersigned warned Petitioner that he failed to respond by November 22, 2022, his case would be recommended for dismissal for his failure to prosecute. [ECF No. 11].

On November 29, 2023, the undersigned issued a Report and Recommendation based on Petitioner's failure to prosecute. On December 2, 2022, Petitioner filed a motion for an extension of time to file a response to Respondent's motion. [ECF No. 15]. The Honorable Sherri A. Lydon, United States District Judge, granted Petitioner's motion and referred this case to the undersigned for further pretrial proceedings, including establishing a new deadline for Petitioner's response. [ECF No. 18]. On January 18, 2023, the undersigned permitted Petitioner until February 18, 2023, to file a response. [ECF No. 20].

Notwithstanding the specific warning and instructions set forth in the court's multiples order, Petitioner has again failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's motion by March 15, 2023. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

March 1, 2023
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

